

108TH CONGRESS  
2D SESSION

# H. R. 3820

To protect United States workers from competition of foreign workforces  
for performance of Federal and State contracts for goods or services.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2004

Ms. DELAURO (for herself and Mr. DINGELL) introduced the following bill;  
which was referred to the Committee on Government Reform

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## A BILL

To protect United States workers from competition of foreign  
workforces for performance of Federal and State con-  
tracts for goods or services.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “United States Workers  
5       Protection Act of 2004”.

6       **SEC. 2. LIMITATIONS ON OFF-SHORE PERFORMANCE OF**  
7                       **CONTRACTS FOR THE PROCUREMENT OF**  
8                       **GOODS OR SERVICES.**

9       (a) LIMITATIONS.—

1           (1) IN GENERAL.—The Office of Federal Pro-  
2           curement Policy Act (41 U.S.C. 403 et seq.) is  
3           amended by adding at the end the following new sec-  
4           tion:

5   **“SEC. 42. LIMITATIONS ON OFF-SHORE PERFORMANCE OF**  
6                   **CONTRACTS FOR THE PROCUREMENT OF**  
7                   **GOODS OR SERVICES.**

8           “(a) CONVERSIONS TO CONTRACTOR PERFORMANCE  
9   OF FEDERAL ACTIVITIES.—An activity or function of an  
10   executive agency that is converted to contractor perform-  
11   ance under Office of Management and Budget Circular  
12   A-76 may not be performed by the contractor or any sub-  
13   contractor at a location outside the United States except  
14   to the extent that such activity or function was previously  
15   performed by Federal Government employees outside the  
16   United States.

17          “(b) FEDERAL CONTRACTS FOR THE PROCUREMENT  
18   OF GOODS OR SERVICES.—(1) A contract for the procure-  
19   ment of goods or services that is entered into by the head  
20   of an executive agency may not be performed outside the  
21   United States except to meet a requirement of the execu-  
22   tive agency for goods or services specifically at a location  
23   outside the United States.

24          “(2) The President may waive the prohibition in  
25   paragraph (1) in the case of any contract for which the

1 President determines in writing that it is necessary in the  
2 national security interests of the United States for goods  
3 or services under the contract to be provided or performed  
4 outside the United States.

5 “(3) Paragraph (1) does not apply to goods provided  
6 or services performed outside the United States under the  
7 exception provided in subsection (a).

8 “(c) STATE CONTRACTS FOR THE PROCUREMENT OF  
9 GOODS OR SERVICES.—(1) Funds appropriated for finan-  
10 cial assistance for a State may not be disbursed to or for  
11 such State during a fiscal year unless the chief executive  
12 of that State has transmitted to the Administrator for  
13 Federal Procurement Policy, not later than April 1 of the  
14 preceding fiscal year, a written certification that none of  
15 such funds will be expended for goods provided or services  
16 performed outside the United States under contracts for  
17 the procurement of goods or services entered into by such  
18 State.

19 “(2) In this subsection, the term ‘State’ means each  
20 of the several States of the United States, the District  
21 of Columbia, the Commonwealth of Puerto Rico, the Com-  
22 monwealth of the Northern Mariana Islands, the Virgin  
23 Islands, Guam, American Samoa, and the Trust Territory  
24 of the Pacific Islands.”.

1           (2) CLERICAL AMENDMENT.—The table of sec-  
2           tions in section 1(b) of such Act is amended by add-  
3           ing at the end the following new item:

“42. Limitations on off-shore performance of contracts for the procurement of  
goods or services.”.

4           (b) INAPPLICABILITY TO STATES DURING FIRST  
5 TWO FISCAL YEARS.—Section 42(c) of the Office of Fed-  
6 eral Procurement Policy Act (as added by subsection (a))  
7 shall not apply to disbursements of funds to a State dur-  
8 ing the fiscal year in which this Act is enacted and the  
9 next fiscal year.

10          (c) REPEAL OF SUPERSEDED LAW.—Section 647 of  
11 the Transportation, Treasury, and Independent Agencies  
12 Appropriations Act, 2004 (division F of Public Law 108–  
13 199) is amended by striking subsection (e).

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